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PTO/SB/64 (09-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
RDID 0006 US

First named inventor: Kalatz

Application No.: 09/711,855

Art Unit: 1631

Filed: 11-13-2000

Examiner: Ly, Cheyne D

Title: System for the Extrapolation of Glucose Concentration

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1370.00 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of Amendment and Reply Under 37 CFR 1.111 (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

<u>Jill L. Woodburn</u> Signature	<u>October 29, 2004</u> Date
<u>Jill L. Woodburn</u> Typed or printed name	<u>39874</u> Registration Number, if applicable
<u>The Law Office of Jill L. Woodburn, LLC</u> Address	<u>219-764-4005</u> Telephone Number
<u>128 Shore Dr. Ogden Dunes, IN 46368-1015</u> Address	

- Enclosures: ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

October 29, 2004
Date

Jill L. Woodburn
Signature

Jill L. Woodburn
Typed or printed name of person signing certificate



Docket No. RDID 0006US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kalatz et al.

Application No.: 09/711,855

Group No.: 1631

Filed: Nov. 13, 2000

Examiner: Ly, Cheyne D

For: System for the Extrapolation of Glucose Concentration

STATEMENT SUPPORTING UNINTENTIONAL DELEAY

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner is thanked for his telephone message of October 2004, informing the undersigned of the impending Notice of Abandonment. That message alerted me that a Reply to an Office Action had not been filed and knowing that no application under my responsibility was to be closed, prompted an investigation as to what had happened. The Examiner's call was returned following my investigation, which revealed that the Reply accidentally had not been filed. The resulting Notice of Abandonment was mailed on October 20, 2004.

What follows is an explanation as to why the application was unintentionally abandoned. In normal course of business, when an Office Action is received, it is docketed on the computer database and on a paper calander. In this instance, the date was docketed incorrectly on the computer database, but correctly docketed on the calander. As such, the Reply did not show up on the computerized reminder list, but was listed on the paper docket calander. The 3-month extendable due date for reply was March 29, 2004.

Following discussions with the client in the month of March and again in April of 2004, it was decided to obtain an additional extension of time, in order to seek additional advice regarding the new grounds of rejection. Such a Petition for Extension of Time is filed with the Reply to the Office Action in the normal course of business. It is noted that

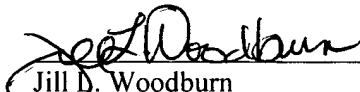
I was 9 months pregnant on April 29, 2004, and I mistakenly failed to mark my paper calander with the May 29, 2004, 5-month due date. I gave birth to my daughter on May 4, 2004.

Since the Reply date was no longer on my paper calander, my computerized reminder list did not show the due date for the Reply, and I took some time off following the birth of my daughter, I unintentionally failed to remember that a Reply was due in connection with this matter. As a result, I failed to file a Reply to the Office Action, by the 6-month due date of June 29, 2004. This was completely unintentional on my part and the client has at all times wanted to proceed with prosecution of this matter.

It is requested that the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) be grated, that this paper be considered a Petition for Extension of time sufficient to effect a timely response, and that all fees due in addition to those paid by the enclosed check be charged to Deposit Account Number 50-0877 with reference to (RDID 0006 US).

Respectfully submitted,
The Law Office of Jill L. Woodburn, L.L.C.

10-29-2004
(Date)


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